Supreme Court, U.S.
FILED
FEB 13 1986
JOSEPH F. SPANIOL, JR.

No. 85-786 (3)

IN THE

SUPREME COURT OF THE UNITED STATES

ELIZABETH L. BELLISSIMO,

Petitioner,

vs.

WESTINGHOUSE ELECTRIC CORPORATION, et al.,

Respondents.

On Petition For Writ Of Certiorari
To The United States Court of Appeals
For the Third Circuit

REPLY BRIEF FOR PETITIONER

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REPLY BRIEF FOR PETITIONER

Respondents' assertion that Petitioner failed to raise below the Parklane Hosiery issue is incorrect. In the court of appeals Petitioner expressly asserted that the favorable jury verdict on her Equal Pay Act claim provided support for her Title VII dismissal claim. (Petition, p. 30 n. 22). That argument squarely presented the Parklane Hosiery issue, and Respondents do not deny that that arugment was raised below.

Respondents' objection regarding the scope of the issues raised below concerns, not the Title VII dismissal claim which is the subject of this Petition, but a distinct Title VII salary claim. Petitioner raised that Title VII salary claim in the district court, but the trial court rejected it. Petitioner did not pursue that Title VII salary claim in the court of appeals, and

does not seek review of it by this Court. Petitioner did, however, argue in the court of appeals that the jury verdict supported the district court's favorable resolution of Petitioner's Title VII dismissal claim, and Petitioner thus preserved that issue for review by this Court.

Because the Third Circuit, in rejecting Petitioner's Title VII dismissal claim, chose to ignore the jury verdict, the court of appeals did not address the extent to which that verdict might have supported or required affirmance of the district court's finding that Petitioner's dismissal violated Title VII. Respondents do not defend the Third Circuit's refusal to even consider the significance of the jury verdict; rather, respondents speculate that, had the appellate court considered the jury verdict, it might not have found that verdict dispositive. Whatever weight this Court, or the Third

Circuit, on remand, might ultimately give to that jury verdict, the absolute refusal of the court of appeals to even consider the jury verdict is both erroneous and at odds with the established practice of other circuits.

CONCLUSION

For the above reasons a writ of certiorari should issue to review the judgment and opinion of the Third Circuit.

Respectfully submitted,

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